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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN - 5 1997

Federal Communications Commission
Office of Secretary

In the Matter of

Electronic Filing of
Documents in Rulemaking
Proceedings

DOCKET FILE COPY ORIGINAL

GC Docket No. 97-113

REPLY COMMENTS OF AT&T CORP.

Pursuant to Section 1.415 of the Commission's Rules and the Notice Of Proposed Rulemaking ("NPRM") released April 7, 1997,¹ AT&T Corp. ("AT&T") hereby submits its reply comments concerning the Commission's proposal to permit parties to file comments electronically in informal notice and comment rulemaking proceedings.²

The commenters unanimously support the Commission's proposal in principle, and agree on the broad outlines of an electronic filing regime. Unsurprisingly, however, the parties have divergent views on the specifics of such a program. Disagreements over subjects such as which file formats the Commission should support are inevitable in light of the unprecedented nature of the NPRM's proposal, and the

¹ Notice of Proposed Rulemaking, Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, FCC 97-113, released April 7, 1997 ("NPRM").

² A list of parties submitting comments and the abbreviations used to identify them are set forth in an appendix to these reply comments.

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relative infancy of the Internet and other technologies that are beginning to make electronic filing practical. Accordingly, AT&T again urges the Commission to conduct a six-month trial of electronic filing, and then to revisit that subject in a further notice of proposed rulemaking in which both the Commission and commenters can share the benefit of insights gained from real world trials of this fledgling system.

Nevertheless, a consensus emerged from the comments concerning some issues raised in the NPRM. For example, every commenter to address the issue agrees with the Commission's proposal (§ 12) that parties should be required to submit only one "copy" of electronically filed comments, which could then be distributed automatically to the appropriate Commission personnel.³ The commenters also concur with the NPRM's suggestion that electronically-filed comments utilize sequentially numbered paragraphs as a means to avoid the problem of varying pagination when they are viewed on different computer systems.⁴

A large majority of commenters disagree with the NPRM's suggestion that the Commission need not impose any authentication measures for electronically-filed comments. These parties express substantial concerns regarding the need to deter fraudulent filing by using mandatory or voluntary password system, "digital signatures" or

³ See Ameritech, p. 2; AT&T, p. 2; Bell Atlantic / NYNEX, p. 6; GTE, p. 2; NECA, p. 3; SBC, p. 5; Sprint, p. 3; U S West, p. 2.

⁴ See AT&T, pp. 8-9; Bell Atlantic / NYNEX, p. 7; CBT, p. 2; Crawford, p. 7; GTE, p. 8; NECA, p. 7; SBC, pp. 9-10; U S West, p. 5.

other methods.⁵ AT&T believes that the parties' keen interest in protecting themselves against the risk of fraudulent filings is a strong indication that the NPRM too lightly dismisses this risk.

A number of commenters join AT&T in urging the Commission to make its World Wide Web-based electronic filing interface accessible via browsers other than Netscape version 3.0.⁶ As AT&T observed in its comments, although Netscape is the most popular WWW browser, a significant -- and growing -- number of Internet users access the Web via other programs.⁷ One of the most significant features of the Internet is its ready accessibility from almost any computer system, without regard to the hardware or software a user chooses to employ. If it all possible, the Commission should not force those with an interest in its proceedings to purchase and use a particular program or version of a program, or hardware platform. Indeed, many commenters, including AT&T, urged the Commission to accept electronically filed documents in as wide an array of formats as possible.⁸ Moreover, because computer technology continues to change so

⁵ See Ameritech, p. 2; AT&T, p. 4; CBT, pp. 5-6; Crawford, pp. 2-3; Edgewood, pp. 1-2; NECA, pp. 4-5; OCC, pp. 3-4; PCIA, pp. 2-3; SBC, p. 6. Three parties contend that the Commission need not require authentication, see CEMA, p. 3; Sprint, p. 4; U S West, pp. 3-4, while one suggests that the Commission investigate authentication methods so that it can employ them if they later prove necessary. See Bell Atlantic / NYNEX, p. 4.

⁶ See AT&T, p. 2; Crawford, p. 5; NCD, pp. 3-4; OCC, p. 5.

⁷ In fact, a recently published article states that Netscape's market share has fallen from 87 percent to 59 percent over the past year, and predicts that it will drop to 38 percent by the end of 1997. See John Simons, What Did You Do In The Browser War, Daddy?, U.S. News & World Report, June 2, 1997, at 51-52.

⁸ See AT&T, p. 2; Crawford, p. 5; NCD, pp. 3-4; SBC, pp. 3-4; U S West, p. 5.

rapidly, it will be essential for the Commission periodically to evaluate its systems to determine whether it should revise the list of programs and formats in which it will accept filings.

Those commenters that do express a preference for a particular file format for rulemaking filings suggest Adobe Portable Document Format ("PDF"), which the Commission currently uses for its Quick Start ("QS") WWW interface.⁹ PDF files are readily readable using the most common computers and operating systems on the market today, and a PDF reader can be downloaded via the WWW without charge. In addition, PDF files retain their page numbering and other formatting characteristics across platforms. Because of these advantages, AT&T agrees that PDF is one of the formats the Commission should support on its WWW site. However, parties should not be required to submit their comments in PDF form, as to do so they would be required to purchase and use Adobe's software products.¹⁰ Whatever file formats the Commission chooses to use and support on its Web site, it is absolutely critical that its copy contractor make electronically-filed documents available to the public no later than the day after they are filed.¹¹

⁹ See Ameritech, p. 3; BellSouth, pp. 4-5; CBT, pp. 4, 6-7; NECA, p. 7.

¹⁰ In addition, the National Council on Disability asserts in its comments that PDF files "are difficult to access with adaptive equipment." NCD, p. 4. Older, less powerful computers may also not be able to read PDF files, or files formatted using newer versions of word processing or other programs. For these reasons, the Commission should consider also making electronic filings available in ASCII text or another easily-read format.

¹¹ See AT&T, p. 3; GTE, p. 3.

Most commenters that address the subject support the NPRM's proposal that the filing date and time for documents submitted electronically be the date and time that they are received at the Commission.¹² Only one commenter suggests basing the time of filing on the time that a document is transmitted, and that party admits that time and date stamps purportedly indicating when a document was sent can be falsified.¹³ There is simply no reason for the Commission to treat electronically-filed comments differently from those submitted on paper. The time and date of the Commission's receipt of both types of filings should be controlling. However, many commenters, including AT&T, recognized that Internet capacity limitations and other technical difficulties are likely to sometimes hamper parties' ability to make timely electronic filings, at least for the present. Accordingly, the Commission should be prepared to grant requests for limited extensions of time when a party has made a good faith effort to file electronically, but has been unable to do so for technical reasons.

Finally, the Commission should unequivocally reject the suggestion by three commenters that electronic filing should be permitted until midnight on the day that a pleading is due to be filed.¹⁴ Such a policy would be both inequitable and unreasonable, as it would grant parties capable of filing electronically a potentially valuable privilege,

¹² See AT&T, p. 5; CEMA, p. 3; Crawford, pp. 7-8; GTE, p. 6; NECA, pp. 5-6; OCC, p. 4; U S West, p. 4.

¹³ See Bell Atlantic / NYNEX, pp. 4-5.

¹⁴ See BellSouth, pp. 3-4; Crawford, p. 8; U S West, p. 3.

while denying equivalent treatment to those filing on paper, who would continue to be required to file no later than the close of the Commission's business day.

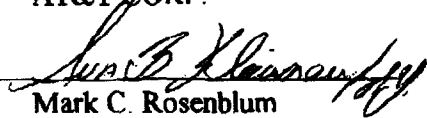
CONCLUSION

For the reasons given above and in its comments, AT&T supports the Commission's initiative to permit parties to file pleadings electronically in informal rulemaking proceedings on a trial basis. However, because a variety of potential difficulties could arise during this new venture, the Commission should revisit its electronic filing procedures, and again accept public comment on them, six months after they are implemented.

Respectfully submitted,

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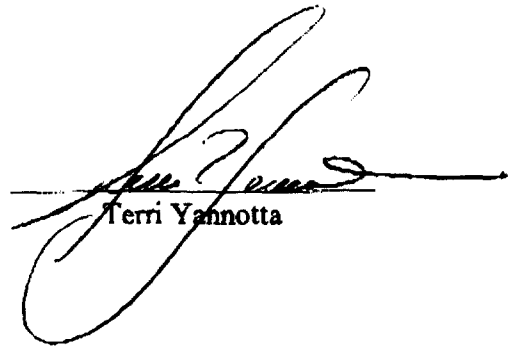
June 5, 1997

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(GC Docket No. 97-113)

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GTE Service Corporation ("GTE")
National Council on Disability ("NCD")
National Exchange Carrier Association, Inc. ("NECA")
National Telephone Cooperative Association ("NTCA")
New Signals Press, Inc.
Ohio Consumers' Council ("OCC")
The Personal Communications Industry Association ("PCIA")
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Sprint Corporation ("Sprint")
US West, Inc. ("US WEST")

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 5th day of June, 1997, a copy of the foregoing "Reply Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.



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